IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.665 OF 2004
IN
SUMMARY SUIT NO.1401 OF 2004

Famous Studios Ltd. ..Plaintiffs

Vs.

V.R.Pictures .. Defendants

Mr.R.K.Thakkar for the plaintiffs
Mr.S.H.Karim for the defendants

CORAM : S.U.KAMDAR, J
DATED : 27TH SEPTEMBER, 2005

P.C.:

. The claim in the present case is based on cancellation of contract between the parties and for liquidated damages. In that view of the matter, suit is not maintainable as Summary Suit. It is well settled that the claim for damages cannot be awarded unless it is proved. In view thereof, unconditional leave to defend is granted. Summons for Judgment is dismissed accordingly. Suit is transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned

Judge taking Commercial Causes.